IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.3165 of 2006

Yovhel Vijaykumar Gauri .. .. Applicant

v/s.

The State of Maharashtra. .. .. Respondent

Mrs.Sudatta J. Patil for Applicant.

Mr.A.R. Patil, APP for Respondent-State.

CORAM : SMT.RANJANA DESAI &

SMT.ROSHAN DALVI, JJ.

Dated : 2nd August, 2007

P.C. :

1. The Applicant is in custody in Kolhapur Central Prison, Kalmba, District Kolhapur and he has made this application.

2. The Applicant-Accused, who is in custody, has applied for being transferred to another jail. It is his contention that there are certain prisoners suffering from Heart Attack, T.B., AIDS, etc. housed along with him. It is also his contention that except upon payment of illegal gratification, medical

treatment is not being given to prisoners and that even in case of a death of prisoner, certificates showing the usual diseases are made out. It is his case that due to contact with prisoners, who have infectious diseases and who are not treated as required, he has contacted and is suffering from skin disease.

3. The contention on behalf of the State in the Affidavit filed by the Jailor, attached to the Applicant' sjail, is that the Applicant-Accused had developed pimples on his face. He was given treatment under the supervision of Dr.S.M. Padhye, the Medical Officer of the prison whose certificate is annexed to the affidavit filed by the State. This treatment continued for a few weeks as per the information of the Skin Specialist from C.P.R. Hospital, Kolhapur. It is their contention that no further special treatment was required to be given and after the Applicant recovered, he was shifted to the General Ward.

4. The Applicant has applied for transfer to another jail

merely on the premise that the other prisoners are also not treated. That is not the ground on which the Applicant can be transferred to the another jail or any jail of his choice. Hence, the Application will have to be rejected.

5. Learned APP has assured us that the Applicant will get necessary medical treatment in the same jail, if the need arises. We have no reason to disbelieve this statement.

6. In the circumstances, the Application is rejected. Copy of this order be served on the Applicant in jail.

(SMT.RANJANA DESAI, J.)

(SMT.ROSHAN DALVI, J.)